

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARMEN FLORES, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

DIAMOND BANK, FSB,

Defendant.

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(Case No. 07 C 6403
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(Judge Hibbler
(
(Magistrate Judge Valdez
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AFFIDAVIT OF KNOWLEDGE

I, Kimberly Cole, first being sworn on oath, deposes and says that if sworn as a witness I could competently testify to the matters set forth herein from my own personal knowledge:

1. I am the Senior Vice President and Chief Operating Officer of the Defendant Diamond Bank, FSB ("Bank").

2. I began my employment with the Bank on December 13, 2006.

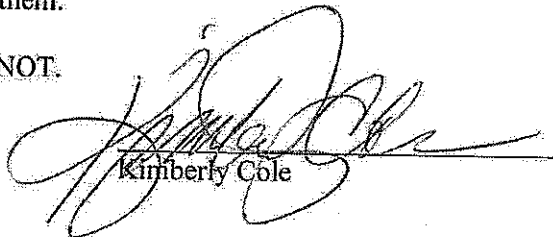
3. It is my belief and to the best of my knowledge, when I began my employment at the Bank, there were two metal signs ("signs") affixed on the ATM surround.

4. One of these signs informed non-bank customers that they would be assessed a fee for using the ATM, and the other sign informed consumers that funds deposited at that ATM machine might not be available for immediate withdrawal.

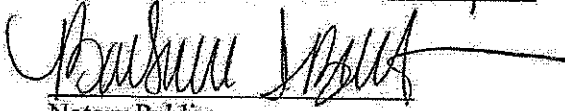
5. No employee or agent of Diamond Bank removed these signs from the ATM surround.

6. I have no knowledge as to how the two metal signs affixed to the ATM surround were removed, or who removed them.

FURTHER, AFFIANT SAYETH NOT.


Kimberly Cole

Subscribed and Sworn to before
me this 5 day of February, 2008.


Notary Public

